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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,585	11/14/2003	Brian K. Hollowell	1033-MS1008	1674
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SING, SIMON P				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/714,585

Applicant(s)

HOLLOWELL ET AL.

Examiner

SIMON SING

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,8-10,21-25,29,30,32-34 and 37-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,8-10,21-25,29,30,32-34 and 37-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 2, 8-10 and 37-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tverskoy et al. US Patent No. 6,341,160 in view of Baxter, Jr. US Patent No. 6,765,996 and further in view of Friedman US Patent No. 5,826,026 and further in view of Bennett et al. US 7,209,950.

1.1 Regarding claim 1, Tverskoy teaches a messaging method (abstract) and a computer-readable medium having computer-readable data comprising:

answering the call at a premises of the called party (col. 3, lines 20-21);

prompting the calling party to leave a message (col. 3, lines 21-23);

saving at least a portion of the message as an electronic audio file (col. 3, lines 23-29);

recognizing that the calling party left the message (col. 3, lines 56-62);

preparing an outgoing email message in response to recognizing that the calling party left the message (col. 4, line 62 - col. 5, line 13);

attaching the audio file to the outgoing email message (col. 5, lines 2-9);
addressing the outgoing email message to a network node associated with a unified messaging mailbox of the called party (col. 4, line 62 - col. 5, line 13); and
initiating sending of the outgoing email message with the audio file attached from the premises to the network node (col. 5, lines 24-30).

Tverskoy teaches that information can be sent over a POTS line or an ISDN line. ISDN, as well known in the art, is a type of circuit switch telephone network system designed to allow digital transmission of voice and data over ordinary telephone wire. Hence, Tverskoy suggest of the ability to transmit voice over data lines. Tverskoy does not specifically teach wherein receiving a call via an Internet Protocol Network or answering the call in a Voice over Internet Protocol format. Tverskoy also does not teach including a calling party's email address in the outgoing email message and including Short Messaging Service (SMS) format in the outgoing email message.

However, Baxter teaches parsing caller ID string and associating the string with a pre-existing user record, such that the caller ID string is linked to the email address of the caller in order for a called party to reply to the original voice message by email (column 2, lines 43-55). Baxter further teaches receiving a call, recording an audio message, attach the audio message and a caller's email address to an email, and sending the email to a called party's email account (Abstract; column 7, lines 13-37).

In addition, Friedman teaches a VOIP answering machine 702 (figure 8; col. 9, line 52 - col. 10, line 7; col. 1, lines 50-53).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tverskoy's reference with the teachings of Baxter and Friedman, by providing an VoIP answering machines as taught by Friedman, and to include the calling party's email address in the outgoing email message as taught by Baxter, because such a modification would have enabled a user to received voice messages from VOIP calls in addition to PSTN calls, and to include the email address of a calling party in the outgoing email message for the called party would have enabled the called party to reply to the calling party's voice message by email as taught by Baxter (Abstract).

The modified Tverskoy reference does not teach that the outgoing email message having SMS format.

Bennett teaches that when an email message is sent to a mobile phone, the subject and body text are sent as SMS format (column 7, lines 14-19).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Tverskoy's reference with the teaching of Bennett, by using SMS format when sending the outgoing email message to a user's mobile phone, because such a modification would have enabled the user's mobile phone to display the content of the outgoing email message as a SMS message.

- 1.2 Regarding claim 2, Tverskoy, as applied to claim 1, teaches:
disconnecting from the call (col. 3, lines 29-31);

prompting a modem to dial a telephone number associated with an Internet Service Provider (col. 4, lines 14-22; col. 8, lines 24-34);

recognizing that a connection exists with the Internet Service Provider, (col. 4, lines 14-22); and

outputting information representing the outgoing message for delivery via the connection (col. 4, line 62-col. 5, line 13).

1.3 Regarding claim 8, Tverskoy, as applied to claim 1, teaches determining that a data connection exists (col. 4, lines 24-32); and

utilizing the data connection to send the outgoing message (col. 5, lines 24-30).

1.4 Regarding claim 9, Tverskoy, as applied to claim 1, teaches wherein the outgoing email message comprises a multi-modal message having an audio component (audio file attachment) and a non-audio component (body or text of the outgoing email message) (col. 5, lines 2-24).

1.5 Regarding claim 10, Tverskoy teaches that the audio file is a WAV file (col. 4, line 62-col. 5, line 13).

1.6 Regarding claim 37, the modified Tverskoy reference teaches preparing a reply email message, and sending the replay email message to the caller as stated above (Baxter; column 3, lines 26-37).

1.7 Regarding claims 38 and 39, the modified Tverskoy reference teaches that the reply email message is automatically generated in response to the receipt of the outgoing email message and a user request as stated above (Baxter; column 3, lines 26-37).

1.8 Regarding claim 40, it is obvious that when a voice message is attached to an email message, the email message would have comprised an attachment symbol (such a paper clip icon) which is a visual message, but not a text message, indicating there is an attachment with the email message.

2. Claims 21-25 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tverskoy et al. US Patent No. 6,341,160 in view of Baxter, Jr. US Patent No. 6,765,996 and further in view of Bennett et al. US 7,209,950.

2.1 Regarding Claim 21, Tverskoy teaches a method of facilitating unified messaging, (abstract), comprising:

communicatively coupling a messaging device (answering machine 12 in figure 1) to a premises network communicatively coupled to a wide-area communication network (Internet) (fig. 1); and

employing the messaging device to answer an incoming telephone call from a calling party (col. 3, lines 13-20), to play a pre-recorded message that prompts the calling party to leave a message (col. 3, lines 21-25), to record a voice message from the calling party (col. 3, lines 21-29), to compose an electronic mail message in response to the voice message (col. 4, line 62-col. 5, line 13), to attach an audio file representing the voice message to the electronic mail message, and to initiate sending of the electronic mail message via the wide-area communication network (col. 4, line 62-col. 5, line 13,24-30).

Tverskoy does not teach including a calling party's email address in the outgoing electronic mail message and the outgoing electronic mail message has a Short Messaging Service (SMS) format.

However, Baxter teaches parsing caller ID string and associating the string with a pre-existing user record, such that the caller ID string is linked to the email address of the caller in order for a called party to reply to the original voice message (column 2, lines 43-55). Baxter further teaches receiving a call, recording an audio message, attach the audio message and a caller's email address to an email, and sending the email to a called party's email account (Abstract; column 7, lines 13-27).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tverskoy's reference with the teaching of Baxter, by comparing a caller ID to lookup a calling party's email address and to include the calling party's email address in the outgoing electronic mail message, because

enclosing the email address of the calling party would have enabled the called party to reply to the calling party by email as taught by Baxter (Abstract).

The modified Tverskoy reference does not teach that the outgoing email message having a SMS format.

Bennett teaches that when an email message is sent to a mobile phone, the subject and body text are sent as SMS format (column 7, lines 14-19).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Tverskoy's reference with the teaching of Bennett, by using SMS format when sending the outgoing email message to a user's mobile phone, because such a modification would have enabled the user's mobile phone to display the content of the outgoing email message as a SMS message.

2.2 Regarding claim 22, Tverskoy, as applied to claim 21, teaches executing code directing the computer to store a username and password in a memory associated with the messaging device, to indicate a messaging address for an intended recipient of the electronic mail message, and to indicate an identifier for a remote messaging server communicatively coupled to the wide-area communication network (col. 4, lines 14-23).

2.3 Regarding claim 23, Tverskoy, as applied to claim 21, teaches determining that a data connection exists interconnecting the premises network and a node of the wide-area network; and utilizing the data connection to send the electronic mail message (col. 4, lines 14-23).

2.4 Regarding claim 24, Tverskoy, as applied to claim 21, teaches disconnecting from the incoming telephone call (col. 3, lines 29-31);

prompting a modem to dial a telephone number associated with an Internet Service Provider (col. 4, lines 14-22; col. 8, lines 24-34);

recognizing that a connection exists with the Internet Service Provider (col. 4, lines 14-22); and

utilizing the connection to send the electronic mail message (col. 5, lines 24-30).

2.5 Regarding claim 25, Tverskoy, as applied to claim 21, teaches wherein the audio file is a WAV file (col. 4, line 62-col. 5, line 13).

2.6 Regarding claim 41, the modified Tverskoy reference teaches that the reply email message is automatically generated in response to the receipt of the outgoing email message and a user request as stated above (Baxter; column 3, lines 26-37).

3. Claims 29, 30 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agraharam et al. US Patent No. 6,483,899 in view of Klein US Patent No. 6,621,800 and further in view of Baxter, Jr. US Patent No. 6,765,996 and further in view of Bennett et al. US 7,209,950.

3.1 Regarding claim 29, Agraharam discloses a voicemail system (messaging device of a called party) for prompting a calling party to leave a voice message, to enter a non-audio data (email address) with the voice message, to record the voice message, to compose an outgoing email message, to attach the audio portion of the voice message to the outgoing email message, and to send the outgoing email message to a recipient (figure 2; column 3, lines 15-24; column 4, lines 57-58; column 5, lines 15-23).

Agraharam teaches fails to teach receiving the voice message via a voice over Internet Protocol (VOIP). Agraharam also does not teach including a calling party's email address in the outgoing email message and the outgoing electronic mail message has a Short Messaging Service (SMS) format.

However, in the same field of endeavor, Klein discloses a voice messaging system in figure 1, and teaches that a caller's telephone 104, called telephone 106, and message server 102 are connected using voice over Internet Protocol. The message server obviously has a VOIP engine for process a VOIP call (column 3, lines 34-51).

In addition, Baxter teaches parsing caller ID string and associating the string with a pre-existing user record, such that the caller ID string is linked to the email address of the caller in order for a called party to reply to the original voice message (column 2, lines 43-55). Baxter further teaches receiving a call, recording an audio message, attach the audio message and a caller's email address to an email, and sending the email to a called party's email account (Abstract; column 7, lines 13-27).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Agraharam's reference with the teachings of

Klein and Baxter to include VOIP capability and to include a caller's email address in the outgoing email message, because such a modification would have enabled a caller from VOIP phone to leave a message for the called party, and would have enabled the called party to reply to the calling party by email as taught by Baxter (Abstract).

The modified Agraharam reference does not teach that the outgoing email message having a SMS format.

Bennett teaches that when an email message is sent to a mobile phone, the subject and body text are sent as SMS format (column 7, lines 14-19).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Agraharam's reference with the teaching of Bennett, by using SMS format when sending the outgoing email message to a user's mobile phone, because such a modification would have enabled the user's mobile phone to display the content of the outgoing email message as a SMS message.

3.2 Regarding claim 30, Agraharam teaches wherein the audio file is a WAV file (col. 5, lines 16-23).

3.3 Regarding claim 42, the modified Agraharam reference teaches that the reply email message is automatically generated in response to the receipt of the outgoing email message and a user request as stated above (Baxter; column 3, lines 26-37).

4. Claims 32-34 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agraharam et al. US Patent No. 6,483,899 in view of Baxter, Jr. US Patent No. 6,765,996 and further in view of Bennett et al. US 7,209,950.

4.1 Regarding claim 32, Agraharam discloses a system for prompting a calling party to leave a voice message, to enter a non-audio data (email address) with the voice message from a telephone keypad, to record the voice message, to compose an email message, to attach the audio portion of the voice message to the email message, and to send the email message to a recipient (figure 2; column 3, lines 15-24; column 4, lines 57-58; column 5, lines 15-23).

Agraharam also does not teach including a calling party's email address in the outgoing email message and the outgoing electronic mail message has a Short Messaging Service (SMS) format.

However, Baxter teaches parsing caller ID string and associating the string with a pre-existing user record, such that the caller ID string is linked to the email address of the caller in order for a called party to reply to the original voice message (column 2, lines 43-55). Baxter further teaches receiving a call, recording an audio message, attach the audio message and a caller's email address to an email, and sending the email to a called party's email account (Abstract; column 7, lines 13-27).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Agraharam's reference with the teaching of Baxter to include a caller's email address in the outgoing email message, because such

a modification would have enabled the called party to reply to the calling party by email as taught by Baxter (Abstract).

The modified Agraharam reference does not teach that the outgoing email message having a SMS format.

Bennett teaches that when an email message is sent to a mobile phone, the subject and body text are sent as SMS format (column 7, lines 14-19).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Agraharam's reference with the teaching of Bennett, by using SMS format when sending the outgoing email message to a user's mobile phone, because such a modification would have enabled the user's mobile phone to display the content of the outgoing email message as a SMS message.

4.2 Regarding claim 33, Agraharam teaches converting the voice message to a text message (column 4, lines 5-16, 67; column 5, lines 1-2, 11-14).

4.3 Regarding claim 34, a text string (email address) is a visual message.

4.4 Regarding claim 43, the modified Tverskoy reference teaches that the reply email message is automatically generated in response to the receipt of the outgoing email message and a user request as stated above (Baxter; column 3, lines 26-37).

Response to Arguments

5. Applicant's arguments with respect to claims 1, 2, 8-10, 21-25, 29, 30, 32-34 and 37-43 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is 571-272-7545. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

/Simon Sing/
Primary Examiner, Art Unit 2614